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STATEMENT OF REASONS

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MODIFICATIONS

Wyoming Water Quality Rules and Regulations

CHAPTER V

Certification of Operators of Public Water and Public
Wastewater Treatment Plants, Public Collection and
Public Distribution Systems

The existing Chapter V of the Wyoming Water Quality Rules and Regulations which governs the certification of operators of public water, wastewater, collection, and distribution systems is required under the provisions of W.S. 35-11-302 (a)(iv). The existing regulations were adopted in 1978.

In October of 1981 the Wyoming Legislative Service Office issued its sunset audit of the Water Quality Division. The audit was critical of the operator certification program for its lack of enforcement of operator certification requirements. The division is in basic agreement with that criticism and for the following reasons:

1. There was a lack of staff. At the time of the audit the certification program authorized only one individual at a relatively low pay scale; and
2. There are ambiguities, contradictions, and inconsistencies within the current operator certification regulations.

The first problem has been solved with the substantial upgrading of the pay scale for the "Certification Officer" and the addition of a "Licensing Specialist" position to the certification program. The proposed modification of Chapter V is designed to solve the second problem cited above and will result in the following benefits.

First, the statute and Section 2a of the existing regulations require that operations be under the supervision of certified personnel, however, Section 4a of the regulations require all operators (whether they are supervisory or not) to be certified. The proposed regulations make it clear that only supervisory level personnel must be certified but that other operators may become certified if they desire.

Under the current regulations, experience must be gained in a position of "direct responsible charge", however, in practice it has been very difficult to determine exactly what part or percentage of an operator's time is spent in direct responsible charge. In the proposed regulations, this problem is corrected by eliminating the direct responsible charge requirement.

In the existing regulations a distinction must be made between specific years of experience and total years of experience. It is unclear whether total years of experience apply only to different levels of the same type of facility or to all levels and all types. The proposed modifications make it clear that experience must be gained in the same type of facility for which certification is desired, and eliminates the terms "specific" and "total".

In addition to correcting the problems of the existing regulations the proposed modifications contain numerous items which will strengthen and improve the certification program. This improvement will be accomplished by adding requirements that training be appropriate to the type of facility being operated. For example,

under the current system a water treatment plant operator receives certification renewal credit for courses in the wastewater field. Under the proposed regulations that operator's training would have to be related to water treatment.

Also, authority to approve training is clearly delegated to the division. Under the current system if an educational institution grants "continuing education units" the division must accept the training regardless of the worth or value of the course.

At the present time, formal education may be substituted for operational experience. The proposed regulations require all operators to meet the same experience and training requirements regardless of the extent of formal education.

The proposed regulations eliminate a requirement under existing regulations that states the Advisory Board must approve all plant reclassifications. This is a cumbersome requirement which is not necessary since reclassification is an administrative action which can be appealed to the Environmental Quality Council.

Currently certifications are renewed on an annual basis. This is burdensome to the operator and the division. The proposed regulations change the renewal period to three years.

Finally, the proposed regulations have changed the mandate that a Level I operator must take an exam which covers all four fields (water treatment, wastewater treatment, water distribution, and wastewater collection). Since many individuals needing Level I certification operate only one type of system (usually a water system), the proposed regulations split the Level I certification into two general areas (water and wastewater). This eliminates the need for an individual who operates only a water system to answer examination questions relating to wastewater.

The Environmental Quality Council through the promulgation of rules and regulations is responsible for the prevention, reduction, and elimination of pollution, and the preservation and enhancement of the State's clean water and the planning of the development, use, reclamation, preservation and enhancement of the water resources of the State. Establishing new standards for the certification of operators of public water, wastewater, collection, and distribution systems will further the goals of the Environmental Quality Act by requiring a level of technical expertise of the parties directly involved with those systems. In summary, adoption of the proposed modifications to the operator certification regulations will enable the division to more effectively and efficiently carry out the requirements of the statute and will help address the criticism of the operator certification program contained in the Sunset Audit report.

After full consideration of all testimony addressed at the public hearing and the written comments which were submitted, the Environmental Quality Council determined that the adoption of these regulations is necessary and appropriate to preserve and exercise the

primary responsibilities and rights of the State of Wyoming; to retain for the State the control over its air, land, and water resources; and secure cooperation between agencies of the State and Federal government in carrying out the policy and purposes of the Environmental Quality Act and to protect the public health, safety and welfare and the environment of the State of Wyoming.

Approved this 14th day of August, 1984 by:

Richard Gray
Chairman
Wyoming Environmental Quality Council